

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

RANDOLPH JAKOBETZ

v.

UNITED STATES OF AMERICA

:
:
:
:
:

File No. 1:89-CR-65-1

ORDER
(Paper 132)

On June 2, 2008, Randolph Jakobetz filed a "Motion Under Title 18 U.S.C. § 3582(c)(2) for Reduction of Sentence Based on 2007 Guideline Amendments."

Upon review of the pleadings, the motion is DENIED. There is no factual or legal basis for a reduction of his sentence. Jakobetz was sentenced on February 20, 1991 to a 350-month term of imprisonment for kidnaping. Section 3582(c)(2) provides that a sentence may be reduced "in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission . . . if such a reduction is consistent with applicable policy statements issued by the Sentencing Commission."

The policy statement issued in connection with the November 1, 2007 guideline amendment limits sentencing reductions to the amendments listed in subsection (c). "If none of the amendments listed in subsection (c) is applicable, a reduction in the defendant's term of imprisonment under 18 U.S.C. § 3582(c)(2) is not consistent with this policy statement and thus is not authorized." See U.S.S.G § 1B1.10.

Since the reasons set forth in Jakobetz's motion are not included in subsection (c) and are not covered by the policy statement, a sentence reduction is unauthorized. Accordingly, his motion is DENIED.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 3rd day of September, 2008.

/s/ J. Garvan Murtha

J. Garvan Murtha
United States District Judge